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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,423	01/30/2002	Iouri Kloubakov	7190-205	7980
27383 7590 07/11/2008 CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131				
EXAMINER				
BUCHANAN, CHRISTOPHER R				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/060,423

Applicant(s)

KLOUBAKOV ET AL.

Examiner

CHRISTOPHER R. BUCHANAN

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humble (US 5,494,136) in view of Snyder (US 6,502,749).

Regarding claim 1, Humble discloses a customer self-checkout system including a checkout station (24, Fig. 1) configured for self-checkout by customers of items for purchase (col. 4 line 34+), a plurality of supervisory terminals (28, col. 4 line 51, "number of stations...") configured to conduct supervisory activities to administer the operation of the checkout station (col. 4 line 50+, missing codes inputted into system is read as supervisory activity, col. 6 line 30+, completing transactions), and a controller (22) operatively coupling the plurality of supervisory terminals to the checkout station, wherein the controller enables communication from the checkout station to multiple supervisory terminals and supervisory administration of the checkout station by multiple ones of the supervisory terminals (col. 6 line 30-45).

Humble fails to disclose using an arbitration function to determine which supervisory terminal of the plurality of terminals conducts supervisory activities on the checkout stations.

Snyder discloses a system for operating a checkout system including a plurality of mobile terminals (90) that enable employees to conduct supervisory activities administering operation of checkout stations (the transmission of a low change condition, col. 21 line 36+, is read as notifying a need for administering a supervisory activity) and a controller (78b) operatively coupling the plurality of supervisory terminals to the self-checkout station (col. 21 line 15+), wherein the controller determines (interpreted as an arbitration function) which supervisory terminal of the plurality of terminals receives instructions to conduct supervisory activities on the checkout stations (col. 21 line 34+, "message to be displayed on one of the pagers...").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Humble to include using an arbitration function to determine which supervisory terminal of the plurality of terminals conducts supervisory activities on the checkout stations, as taught by Snyder, to prevent bottlenecking of the system and efficient use of employee resources.

Regarding claim 2, as set forth above, the checkout station is one of a plurality of checkout stations, as taught by Snyder (10, col. 21 line 30), thus each station has a dedicated controller (78b). The location selected for mounting supervisory terminals would be a matter of design choice. The motivation for combining is restated.

Regarding claim 3, the checkout station is one of a plurality of checkout stations as set forth above, as taught by Snyder, and operatively coupled to each of the plurality of

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checkout stations is the controller is configured to administer control of the plurality of checkout stations by multiple ones of the plurality of supervisory terminals.

Regarding claims 4 and 5, a first one of the supervisory terminals is operatively coupled to the controller by a wireless data network (note that Snyder discloses a wireless connection at system element applicable to communications between the supervisory terminals and the controller, and Humble discloses wired line connections between the controller and checkout stations. The motivation for combining Humble and Snyder is herein repeated.

Regarding claims 6, 7, and 8: Official Notice is taken with regard to the old and notorious use of battery powered computer terminals, e.g. lap top computers and for the old and notorious use of a vibrator signal in a pager. Absent a showing of criticality the size of an object is deemed a mere matter of design.

Regarding claims 22 and 23, Snyder discloses (col. 21 lines 29-31) each supervisory terminal can receive a communication from one of the check out needing assistance.

3. Claims 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humble in view of Snyder and further in view of Legge et al. (US 6,629,019).

The above combination of Humble in view of Snyder fails to disclose a first one of the supervisory terminals comprises a card reader configured to clear a weight violation at the checkout station in response to a reading of an authorization transponder card.

Legge et al. disclose using an attendant transponder (50) having a card reader for receiving a pass key to release debit/credit values (claims 9 and 10).

It would be obvious to modify the above combination above to include a pass key/transponder for releasing a locked up check out station due to weight discrepancies in Humble because this would make it easier to effect resetting of the locked system by a single sweep of a card which include all codes to effect such a change.

Regarding claim 11, the checkout station is one of a plurality of checkout stations as taught by Humble and is operatively coupled to each of the plurality of checkout stations; and Humble further teaches the a supervisory terminal (28) dedicated to conducting supervisory activities over a first (24, 2nd from the left) one of the plurality of checkout stations.

Allowable Subject Matter

4. Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed May 6, 2008 have been fully considered but they are not persuasive. Applicant argues that the prior art references do not disclose all the recited features of the claimed invention. In particular, that the system of Synder does not show reverse communication from a supervisory terminal to a checkout station and that the combination of Humble and Synder does not show an arbitration function that determines which supervisory terminal conducts supervisory activities on the checkout station.

The examiner disagrees and stands by the rejection. Firstly, the Synder reference is not used to show communication from a supervisory terminal to a checkout station. This feature is shown by the Humble reference, as recited in the rejection above. Secondly, in the system of Synder, a controller determines which supervisory terminal of the plurality of terminals (i.e., arbitration) receives instructions to conduct supervisory activities (by personnel) on the checkout stations. Snyder is used to show the feature of arbitration. In the examiner's view, the combination of Humble and Synder disclose the claimed feature of an arbitration function that determines which supervisory terminal conducts supervisory activities on the checkout station.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. R. B./

Examiner, Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627